IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 24907 of 2007(M)

PETITIONER:

V.RAJAPPAN, S/O. VELAYUDHAN
T.C.50/1438 (1) THALIYAL
KARAMANA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

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1. CORPORATION OF THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE,PALAYAM,TIRUVANANTHAPURAM.

2. THE SECRETARY,
CORPORATION OF THIRUVANANTHAPURAM
CORPORATION OFFICE,PALAYAM,TIRUVANANTHAPURAM.

3. THE REVENUE OFFICER,
CORPORATION OF THIRUVANANTHAPURAM.
CORPORATION OFFICE,PALAYAM,THIRUVANANTHAPURAM.

BY SC SRI. S. NANDAKUMARA MENON.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.24907 of 2007

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Dated this the 20th day of August, 2007

JUDGMENT

Petitioner was awarded the contract for collection of advertisement tax on film posters and film banners exhibited within the limits of Trivandrum City for the period from 1.6.2007 to 31.3.2008. According to him pursuant to the award of contract he executed an agreement with the second respondent and remitted the bid amount. By Ext.P6 order the contract is terminated saying that Film Distributors' Association filed a complaint that the bid amount is low.

2. I heard learned counsel for the respondents also.

3. One of the grounds raised is that the petitioner was not put on notice before Ext.P6 communication is issued. Learned counsel for the Corporation points out that a decision is taken by the Finance Standing Committee and Ext.P6 is a communication issued by the Secretary intimating the decision.

4. A right is created by the award of the contract in favour of the petitioner. That right is sought to be terminated without giving any

opportunity to the petitioner. This is clearly impermissible in law as it will amount to violation of basic principles of natural justice. In such circumstances Ext.P6 decision is to be quashed.

Ext.P6 is accordingly quashed leaving it free to the first respondent, if so advised, to proceed in the matter in accordance with law, which necessarily involves putting across the case that the petitioner has to meet before any decision is taken and giving him an opportunity of hearing.

(K.M. JOSEPH, JUDGE)

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